

AMENDED IN ASSEMBLY JULY 18, 2007

AMENDED IN SENATE JUNE 4, 2007

AMENDED IN SENATE APRIL 25, 2007

AMENDED IN SENATE MARCH 26, 2007

SENATE BILL

No. 345

Introduced by Senator Aanestad

February 20, 2007

An act to amend ~~Section 49110 of, and to add Sections 33054 and 45040.1 to, Sections 45040 and 49110 of~~ the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 345, as amended, Aanestad. Charter schools.

The Charter Schools Act of 1992 prescribes the requirements for the establishment and operation of charter schools. Charter schools operate independently of the existing school district structure and are exempt from most statutory provisions and regulations governing the operations of public schools.

~~This bill would make charter schools equivalent to school districts for purposes of submitting applications to the State Board of Education to waive statutory provisions, thereby allowing charter schools to perform that function. The governing board of a charter school would be required to submit its waiver application to the chartering authority for the school, and the governing board of that chartering authority would be required to hold a public hearing to review the application no later than 90 days following receipt of the application. The governing board of a charter school would be authorized to submit its waiver application directly to the state board after holding a public hearing to~~

~~consider that action if the governing board of the chartering authority fails to hold the public hearing within the 90-day period. The chief executive officer of a charter school would be made equivalent to the superintendent of a school district for purposes of issuing work permits to minors who are charter school pupils, thereby allowing the chief executive officer to perform that function. Charter schools would also be made equivalent to school districts for purposes of making salary payments, thereby allowing charter schools to perform that function. This bill would make the governing board of the charter school equivalent to school districts for the purposes of making salary payments, thereby allowing the governing board of a charter school to perform that function. The bill also would give the chief executive officer, or equivalent position, of a charter school the same authority as the superintendent of a school district to issue work permits to minors who are charter school pupils, thereby allowing the chief executive officer to perform that function.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 45040 of the Education Code is amended
2 to read:
3 45040. The governing board of ~~any~~ a school district or charter
4 school not paying the annual salaries of persons employed by the
5 district or charter school in 12 equal monthly payments may
6 withhold from each payment made to each employee an amount
7 equal to 16 $\frac{2}{3}$ percent thereof.
8 The total of the amounts deducted from the salary of ~~any~~ an
9 employee during ~~any~~ a school year shall be paid to him or her in
10 two equal installments, one installment to be paid not later than
11 the fifth day of August next succeeding, and one installment to be
12 paid not later than the fifth day of September next succeeding.
13 In the event any employee leaves the service of the district or
14 charter school by death or otherwise before receiving ~~such~~ the
15 moneys ~~as~~ that may be due him or her, the amount due him or her
16 shall be paid within 30 days to him or her or to any other person
17 entitled thereto by law.
18 SECTION 1. ~~Section 33054 is added to the Education Code,~~
19 to read:

1 ~~33054. (a) The governing board of a charter school may~~
2 ~~request, and the state board may approve, a waiver of otherwise~~
3 ~~applicable provisions of this code pursuant to this article. To be~~
4 ~~eligible to request a waiver, a charter school shall submit its~~
5 ~~application for a waiver to its chartering authority. The governing~~
6 ~~board of the chartering authority shall hold the public hearing on~~
7 ~~the waiver request no later than 90 days following receipt of the~~
8 ~~request. If the chartering authority fails to hold the public hearing~~
9 ~~within the 90 days, the charter school shall hold a public hearing~~
10 ~~prior to submitting the waiver request directly to the state board.~~
11 ~~If the chartering authority is a school district or county board of~~
12 ~~education, it shall prepare a summary of the public hearing to be~~
13 ~~forwarded with the waiver request to the state board. If the school~~
14 ~~district or county board of education recommends against approval~~
15 ~~of the waiver request, it shall set forth the reasons for its~~
16 ~~disapproval in written documentation that shall be forwarded to~~
17 ~~the state board.~~

18 ~~(b) For purposes of this article, a charter school shall be deemed~~
19 ~~to be a “school district” that is eligible to submit a waiver~~
20 ~~application pursuant to this section.~~

21 ~~(c) A charter school shall meet the same criteria that a school~~
22 ~~district is required to meet when it requests a waiver, except that~~
23 ~~the chartering authority shall conduct the public hearing, as~~
24 ~~required pursuant to subdivision (a).~~

25 ~~SEC. 2. Section 45040.1 is added to the Education Code, to~~
26 ~~read:~~

27 ~~45040.1. For purposes of Sections 45038 to 45040, inclusive,~~
28 ~~a charter school has the same powers and duties as a school district.~~

29 ~~SEC. 3.~~

30 ~~SEC. 2. Section 49110 of the Education Code is amended to~~
31 ~~read:~~

32 ~~49110. (a) It is the intent of the Legislature that school district~~
33 ~~and charter school personnel responsible for issuing work permits~~
34 ~~to pupils have a working knowledge of California labor laws as~~
35 ~~they relate to minors and be trained to provide the pupils practical~~
36 ~~personal guidance in career education.~~

37 ~~(b) The superintendent of any school district in which any minor~~
38 ~~resides, the chief executive officer, or the equivalent position, of~~
39 ~~a charter school which a minor attends, a person holding a services~~
40 ~~credential with a specialization in pupil personnel services~~

1 authorized by the superintendent *or chief executive officer* in
2 writing, or a certificated work experience education teacher or
3 coordinator authorized by the superintendent *or chief executive*
4 *officer* in writing, may issue ~~to certain minors permits to work~~
5 *work permits to certain minors*. If the minor resides in a portion
6 of a county not under the jurisdiction of the superintendent of a
7 school district, ~~the permit to work and does not attend a charter~~
8 *school, the work permit* shall be issued by the county
9 superintendent of schools, by a person holding a services credential
10 with a specialization in pupil personnel services authorized by the
11 county superintendent in writing, or a certificated work experience
12 education teacher or coordinator authorized by the county
13 superintendent in writing.

14 (c) ~~A permit to work~~ *work permit* shall not be issued until the
15 written request therefor from the parent, guardian, foster parent,
16 caregiver with whom the minor resides, or residential shelter
17 services provider, has been filed with the issuing authority.
18 “Residential shelter services” refers to residential and other support
19 services provided to minors by a governmental agency, a person
20 or agency under contract with a governmental agency to provide
21 these services, an agency receiving funding from community funds,
22 or a licensed community care facility or crisis resolution center on
23 a temporary or emergency basis in a facility that services only
24 minors.

25 (d) If the certificated person designated *to issue work permits*
26 by the superintendent of a school district ~~to issue work permits or~~
27 *the chief executive officer, or the equivalent position, of a charter*
28 *school* is not available, and delay in issuing a permit would
29 jeopardize the ability of a pupil to secure work, ~~a another~~ person
30 authorized by the school district superintendent *or the chief*
31 *executive officer, or the equivalent position, of a charter school*
32 may issue the work permit.

33 (e) If a school district *or charter school* does not employ or
34 contract with a person holding a services credential with a
35 specialization in pupil personnel services or with a certificated
36 work experience education teacher or coordinator, the school
37 district superintendent *or the chief executive officer, or the*
38 *equivalent position, of a charter school* may authorize, in writing,
39 a person who does not hold that credential ~~to issue permits to work~~
40 *work permits* during periods of time in which the superintendent

1 is absent from the district *or the chief executive officer is absent*
2 *from the charter school.*

3 ~~(f) The chief executive officer, or the equivalent position, of a~~
4 ~~charter school, as designated in the charter, has the same powers~~
5 ~~and duties as a superintendent of a school district with regard to~~
6 ~~the issuance of work permits to charter school pupils, pursuant to~~
7 ~~this article.~~

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